

pears from all that has been said, that a great variety and repeated efforts have been made, as well by the Legislature as by the judiciary, to fix upon some general rule by which the present value of a life interest might be ascertained; and by which the proper proportions between such interests and the perpetual right, or estate of inheritance might be adjusted and determined. Much light has been thrown upon the subject, and some difficulties have been removed; but that rational degree of certainty, which is, in all respects, so desirable, has not yet been attained. The rules which have been laid down or adopted, in relation to this matter, are manifestly defective, erroneous, and unjust. They are so contradictory as to be utterly irreconcilable by any ingenuity or argument; and yet being rules laid down by the Legislature, or approved by the Court of Appeals this court cannot, as in some other cases, make an election to follow any one in preference to another of them; or adopt any new general rules applicable to the same and all other similar estates, which should more nearly coincide with reason and justice. (c) The subject can now only be extricated from the difficulties in which it has been involved by the Legislature.

The legislative rule, now in force in regard to dower, directs that where lands are sold for the benefit of infants, as in this instance; (d) or where the real estate is sold to save the personality; (e) or where the real estate of an intestate is sold under the act to direct descents, (f) no more than a seventh nor less than a tenth of the net proceeds of the whole estate shall be awarded to the widow in lieu of her dower. But in regard to tenants by the courtesy and other tenants for life in real estate the matter has been expressly referred entirely to the discretion of the court to say what proportion of the whole net proceeds of sale should be awarded to them in lieu of their estates. (g)

As to all cases of dower, not embraced by the legislative rule, this court is governed by its own rule; which as it now stands, directs, that, 'the allowance to a healthy woman in lieu of her right of dower in land sold under decrees, to be as follows: If under thirty years of age, one-sixth; if above thirty and under thirty-six, two-thirteenths; if above thirty-five and under forty,

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(c) *Higgs v. Warry*, 6 T. R. 655; *The Mayor of Southampton v. Graves*, 8 T. R. 592.—(d) 1816, ch. 154, s. 10.—(e) 1818, ch. 193, s. 8; 1819, ch. 148.—(f) 1820, 191, s. 28.—(g) 1816, ch. 154, s. 13; 1820, ch. 191, s. 35, 36, 37 and 38.